

Standards Committee

Thursday, 21st December, 2023, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH and
[You Tube](#)

Agenda

1 Apologies for Absence

2 Declarations of Interest

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

3 Minutes of the Last Meeting

(Pages 3 - 4)

Minutes of the meeting held on 2 November 2022 attached.

4 Standards Update

(Pages 5 - 8)

Report of the Director of Governance and Monitoring Officer attached.

5 Social Media Protocol

(Pages 9 - 22)

Report of Director of Governance and Monitoring Officer attached.

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Standards Committee:

The minutes of this meeting will be available on the internet at
www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Wednesday, 20 March 2024 - Shield Room, Civic Centre, West Paddock,
Leyland PR25 1DH

Minutes of	Standards Committee
Meeting date	Wednesday, 2 November 2022
Members present:	Councillors Carol Wooldridge (Chair), Jacqui Mort (Vice-Chair) and Carol Chisholm
Officers:	Dave Whelan (Shared Services Lead - Legal & Deputy Monitoring Officer) and Clare Gornall (Democratic and Member Services Officer)
Other members (who attended virtually via TEAMS):	Councillor Sue Jones; Councillors Julie Buttery, David Howarth, Caleb Tomlinson, Mick Titherington, and Angela Turner.
Public:	0

6 Apologies for Absence

Apologies were received from Councillor Derek Forrest, Councillor David Suthers, Councillor Renee Blow and Mr David Haley.

7 Minutes of the Last Meeting

RESOLVED (unanimously):

That the minutes of the meeting of this Committee held on 15 September 2022 be signed as a correct record.

8 Declarations of Interest

There were none.

9 Request to appoint Independent Person

The Deputy Monitoring Officer presented a report seeking approval to commence processes for the appointment of a second Independent Person following the recent resignation of Mr Barry Parsonage.

The report explained the reasons for having two Independent Persons on the Standards Committee, including potential conflicts of interest and cover for ill health.

The Chair wished to formally record the Committee's thanks to Mr Parsonage for his hard work over the years.

RESOLVED: (unanimously):

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That the Committee agrees that a second Independent Person be appointed and that accordingly recruitment processes be commenced.

10 Report to Standards Committee - Investigation and Hearing Procedure

The Deputy Monitoring Officer presented a report requesting approval of an amended Investigation and Hearing Procedure following the last Committee on 15 September 2022.

He highlighted the key amendments which included:-

- To clarify the stage at which the member would be informed of a complaint about them
- Inclusion of the right to challenge – a member may refer to the matter to the Ombudsman
- Inclusion of the provision for members to maintain confidentiality
- Inclusion of provision that a complainant may be granted anonymity.

The Chair thanked members of the Code of Conduct Working Group and supporting officers for their hard work.

RESOLVED (unanimously):

That the Investigations and Hearings Procedure (Appendix A) be recommended to Council for approval.

Chair

Date

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Report of	Meeting	Date
Monitoring Officer	Standards Committee	Thursday, 21 December 2023

Standards Update

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

1. To update members on the operation of the Standards Regime for the year 2023.

Recommendations

2. That members note the report.

Reasons for recommendations

3. The report updates members on the complaints received against councillors and how they have been progressed. It enables members to consider any areas of concern over behaviours and focus any work planning.

Other options considered and rejected

4. None.

Corporate priorities

5. The report relates to the following corporate priorities: (Please bold one)

An exemplary council	Healthy and happy communities
Opportunities for everyone	Green and clean neighbourhood

Background to the report

6. South Ribble Council Standards Committee have undertaken a significant amount of work in the last few years to support members in improving standards of behaviour. These issues were acknowledged by councillors and referenced by External Audit as an area for improvement which will enable the council to best meet its objectives and

Agenda Item 4

support clear and robust decision making. Councillors would be better placed to challenge appropriately and raise concerns over decisions based on the facts and issues before them in a respectful manner.

7. A lengthy review of Code of Conduct has been completed and training provided to all members. The Chair and Vice Chair have supported the Monitoring Officer in embedding the new code and the Committee as a group have led on the improvements.
8. This report will confirm the number and nature of the complaints received in relation to member behaviour and will advise members of any specific areas of concern.

Complaints Received

9. There have been a total of 4 councillors complained about. There have been 6 complaints received, although on 2 occasions 2 complaints were received about the same incident. None of the complaints received have been referred to investigation with 2 incidents being resolved by a letter of apology and personal explanation and 1 by way of a conversation between the Monitoring Officer and the relevant councillor.
10. One complaint has been received recently, is being processed and remains unresolved at this point.
11. There are no patterns of behaviour that can be identified as requiring special attention by the Standards Committee.

Generally

12. It has been observed that the general approach and behaviours exhibited at meetings has improved. Debates on council business are generally confined to the issues with members focussing on the principles of the decision and not usually any personal conflicts.
13. There are still occasional disagreements but these are now dealt with through the debate and resolved by members rather than through standards complaints.
14. One of the areas of complaint, which was not viewed as a breach of the code and not proceeded with, related to the use of Social Media. This has been identified as an improvement area and there is a report on this agenda to recommend a review of the Social Media Protocol.

Climate change and air quality

15. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

16. There are no implications.

Comments of the Statutory Finance Officer

17. There are no direct financial implications of this report.

Comments of the Monitoring Officer

18. There are no specific issues to raise other than what is already set out in the report. The importance of having a sound standards regime is self-evident – without it the reputation of the council can be damaged.

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Report Author:	Email:	Telephone:	Date:
Chris Moister (Director of Governance)	chris.moister@southribble.gov.uk		

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Agenda Item 5



Report of	Meeting	Date
Monitoring Officer	Standards Committee	Thursday, 21 December 2023

Social Media Protocol

Is this report confidential?	No
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Is this decision key?	Not applicable
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Purpose of the Report

1. Following the review of the Code of Conduct for Members it is appropriate to consider the Social Media Protocol which provides guidance on the application of the Code.

Recommendations

2. Members are asked to consider the questions at paragraphs 14-16 below.

Reasons for recommendations

3. The Social Media Protocol should be reviewed regularly to ensure it reflects current technology trends but with changing obligations under the code of conduct.

Other options considered and rejected

4. As this is a review other options will be considered and discounted depending on the objectives and outcomes members prioritise.

Corporate priorities

5. The report relates to the following corporate priorities:

An exemplary council	Healthy and happy communities
Opportunities for everyone	Green and clean neighbourhood

Background to the report

6. The use of social media is an area which can cause difficulties for members, particularly in relation to the application of the code of conduct. Following the review of the Code this year it is appropriate to review the Social Media Protocol to ensure it remains fit for purpose. The Protocol should be clear and easy to use, ensuring that members

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understand how social media can be used in a way that complies with the Code but is not so prescriptive that Members are discouraged from using a valuable communication channel.

Existing Protocol

7. The existing protocol is attached at appendix 1. It is a short document which is easy to read and provides a useful guide for members. In particular it sets out some of the greater risk legal areas and provides a helpful list of do's and don'ts.
8. Whilst the advice contained in the Protocol is still largely applicable it hasn't kept up with some changes to the Code of Conduct and this could lead to some confusion for Members. Also, it can be overly directive in its approach, with the Protocol often making statements on applicability of the Code of Conduct rather than providing a framework for members to consider the application of the Code themselves. This is important as if a scenario is not specifically referenced in the Protocol, Members may not be able to decide for themselves whether a course of behaviour would fall foul of the Code.
9. This is not to say that do's and don'ts are not valid, but these should not be seen as a definitive list of behaviours.
10. Some of the suggested obligations in the Protocol may be too onerous for members, for example in relation to the posts of third parties and responsibility for them, (although Members should recognise their responsibility for comments published on their pages).
11. As noted in paragraph 8 above the Protocol as adopted currently draws a distinction between private and councillor social media use. Members will recall that this distinction has been reduced somewhat by the adoption of the new code which introduced the rebuttable presumption that the councillor was acting in that capacity at the time of the behaviour complained of, unless they can demonstrate otherwise. The existing protocol needs careful consideration of this to enable clear guidance for members.

Other Resources

12. Members may also want to consider the guidance for members on the use of Social Media – link here [Social media | Local Government Association](#). Whilst this does not address the Code of Conduct specifically, the format of this guidance enables members to use social media constructively. Whilst it will always be important to consider the content of posts against the requirements of the code, this guide when followed should steer members towards compliant posts rather than away from breaches of the code.
13. Also attached at appendix 2 is the Lancashire County Council guide for social media use which has been shared by their Monitoring Officer. This is very similar in form to SRBC's code and has similar content. The main difference is that it is less directive in some of its language.

Considerations for Members

14. Do members like the format of the Protocol?
15. Should the approach of the Protocol be to provide a framework for the application of the requirements of the code of conduct; or should it provide detailed explanations and examples of compliance and breaches?
16. Should members of the committee have a working group to review the Protocol or would they prefer an amended Protocol to be presented for consideration with the scoping of any changes being based on the decisions to the questions above?

Climate change and air quality

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17. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

18. An Equality Impact Assessment has not been completed. However any proposed changes to the Protocol will be tested for compliance and an update will be provided to members in this regard when the amended Protocol is considered further.

Risk

19. There is limited risk here. The Protocol is to assist councillors in complying with their duties The Protocol, if used correctly, actually serves to manage risk.

Comments of the Statutory Finance Officer

20. There are no direct financial implications of this report.

Comments of the Monitoring Officer

21. There are no legal observations at this stage, it is appropriate to review the Protocol for the reasons provided in the report.

Background documents

Appendices

Appendix 1 – Social Media Protocol

Appendix 2 – LCC Social Media Protocol.

Report Author:	Email:	Telephone:	Date:
Chris Moister (Director of Governance)	chris.moister@southribble.gov.uk		12/12/2023

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Social Media Protocol for Members

1. Purpose

Social Media is an incredibly useful tool which has changed the way many Councillors now engage and communicate with the public. It allows you to open up new conversations with the people you represent, understand and respond swiftly to local concerns, coordinate campaigns, assist with casework and let your constituents know what you are doing as their local councillor, all at often a fraction of the cost of more traditional means of communication.

However, there can also be pitfalls and to help minimise any risk this Protocol sets out some of the points you should keep in mind whenever you use Social Media in your official role as a South Ribble Councillor

2. What is Social Media?

This is a term used to describe websites and applications for social networking. Popular social media platforms include Facebook, Twitter, LinkedIn, YouTube, Flickr, Instagram and blogs. On social media sites users share information, discuss opinions and build online communities and networks.

You may already use social media in a private capacity. Consider if you want to create a separate account for any "Councillor" related use. This Protocol and the Code of Conduct for Members both only apply when you are acting in your official capacity as an Elected Member. However, you need to be aware that it may not always be apparent to a member of the public in which capacity you are commenting. This "blurred identity" may have implications if comments made in a private capacity are taken to be those of the Council itself or your political party.

Online impressions count. Social Media can be a very powerful tool and how you portray yourself online is very important. Consider carefully how you may appear to someone who doesn't know you personally – Is your online profile reflective of who you are and what you represent?

3. Social Media and the Code of Conduct for Members

Certain sections of the Code of Conduct for Members will apply to your online activity in just the same way as they do to any other written or verbal communication. The key to whether the Code applies is whether you are (or even just appear to be) acting in your capacity as a South Ribble

Councillor rather than as a private individual.

In all your dealings on Social Media you should take particular care not to publish anything which might bring your role as a Councillor, or South Ribble Borough Council itself, into disrepute.

The main sections of the Code to consider are:

You should always treat others with respect – do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.

You must comply with equality laws – take care that you do not publish anything which might be considered to be sexist, racist, ageist, homophobic or anti faith.

You must not bully or intimidate anyone – do not say anything that might be construed as bullying or intimidation whether the comments relate to a council employee, a fellow Councillor or anyone else.

You must not disclose confidential information – refrain from publishing anything you have received in confidence.

4. General legal considerations

There are no new or additional legal burdens when using social media but you are publishing to the web – it's written down and it's permanent so you need to bear the following in mind:

Libel – If you publish an untrue statement about a person which is damaging to their reputation then they may take a libel action against you. This may also happen if someone else publishes something libellous on your website which you know about and don't take prompt action to remove.

A successful libel action can result in an award of damages against you.

Copyright – Publishing images or text on your site from a copyrighted source (eg photos or extracts from publications) without obtaining permission first is likely to breach copyright laws.

Breaching copyright laws can result in damages being awarded against you.

Data Protection – Take care not to publish the personal data of individuals unless you have their specific permission.

Bias and Pre- determination – Whenever you are involved in making planning, licensing or other quasi-judicial decisions do not say anything on social media which suggests that you have already made up your mind before hearing all the evidence and arguments. Otherwise the decision may be at risk of being challenged and declared invalid.

Obscene material – Obviously you should avoid publishing anything on social media which

anyone might consider obscene. Publication of obscene material is a criminal offence.

Harassment – it is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment, nuisance or distress.

Electoral Periods - There are some additional duties around campaigning during elections. Full guidance can be downloaded from the Electoral Commission website.

5. Use of Social Media During Council Meetings

Use mobile devices sparingly, discreetly and with common sense at meetings. Take care to avoid extended periods of use which may give the impression that insufficient attention is being paid to the business of the meeting.

Do not use social media during quasi-judicial meetings or during confidential or exempt items of business.

Always ensure that devices are switched to silent during meetings and their use is not disturbing others.

6. Staying Out of Trouble – some Do's and Don'ts

Most pitfalls can be avoided if your online content is objective, balanced, informative and accurate.

Here are some tips to help you stay out of trouble:

Some Do's

- Set appropriate privacy settings for your blog or networking site (especially if you have a private non-political account)
- Consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries
- Look out for defamatory or obscene posts from others on your site and remove them as soon as possible to avoid any impression that you condone such comments
- Be careful about any connection with service users who are vulnerable adults or children as this could be regarded as a safeguarding issue
- Ensure that you seek permission to post information from a copyrighted source or any personal data
- Take care not to give the impression that you have already made up your mind before

hearing all the evidence and arguments if you are involved in any planning, licensing or other quasi-judicial decision

- Keep posts positive as evidence suggests these are more popular and likely to generate more support for your cause than negative or critical messages
- Set an example by engaging in healthy & respectful debate which will encourage others (especially young people) to adopt similar online behaviours

Some Don'ts

- Post in haste, particularly if your judgement might be impaired (for example if you have consumed alcohol)
- Post comments that you would not be prepared to make face to face
- Use Council facilities for personal or political blogs
- Use social media to attack, insult, abuse, defame or make negative or discriminatory comments about anyone (including council staff, service users, or the Council itself)
- Publish confidential information which you have gained access to as a South Ribble Councillor
- Represent your personal views, or those of any political party or specialist interest group you belong to, as being those of the Council
- Distribute any material which could be considered inappropriate, offensive, illegal or discriminatory
- Robust political debate with other politicians is fine from time to time but do not let it degenerate into personal attacks
- Forget to consider your wider audience, online posts may be read by younger people who could be distressed at messages which had been intended for their parents or close relatives
- Make excessive use of social media technology during Council or Committee meetings as this may give the impression you are not engaged in the business of the meeting

7. Finally...

Although you need to be aware of the potential risks most Councillors using Social Media engage with the public in an entirely constructive way without ever running foul of either the Code of Conduct or the Law.

Use your common sense, relax and enjoy.

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Protocol

Social media refers to any kind of internet based tool that you can use for sharing information and ideas, networking or finding people with similar interests; including (but not limited to): blogs, micro-blogging, photo sharing, video sharing, social networks, mobile phone applications, texting, digital TV services, wikis, gaming and collaboration tools.

Examples of Social Media tools are Facebook, Twitter, Flickr, Stumbleupon, LinkedIn, YouTube as well as blogs, forums and wikis.

Social media can be a great way for councillors to connect and communicate with residents, and can be used to;

- Support Councillors' community leadership role,
- Create or take part in conversations,
- Keep in touch with local views,
- Campaign on local issues

The use of social media has the following legal implications;

- Libel – publishing an untrue statement about an individual which would damage their reputation;
- Copyright or Confidential material – publishing images or text from a copyrighted source or confidential material without permission
- Data protection – publishing personal data of individuals without their written permission.

In each case legal action could result in civil proceedings being issued against a councillor which may in turn result in an award of damages and the payment of legal costs by the individual councillor.

Lancashire County Council does not provide social media accounts for councillors. Training on the use of social media is available from Member Development. Contact Catherine Earnshaw on 01772 533306 or councillors should refer to the LGA's Connecting Councillors – A social media handbook.

Councillors can use social media tools and may refer to their position as a county councillor, but must make clear that the activity, comments and views are those of the councillor and are not conducted in any official county council capacity. It is best practice to include a disclaimer, such as the "The views I express here are mine alone and do not necessarily reflect the views of Lancashire County Council".

When using social media, councillors should have due regard for the Councillor's Code of Conduct, paying particular attention to the following general obligations;

- Treating others with respect,
- Not disclosing confidential information,
- Not bringing the council or your office into disrepute,
- Not improperly securing an advantage,

- Complying with council's rules about use of resources

Complaints made under the Code may result in a councillor being referred to the Conduct Committee and in some circumstances may also form the basis for legal action to be taken against a councillor.

Councillors should not comment or post on official Lancashire County Council social media channels in a way that would cause political, including party political, comments to appear on County Council social media sites.

Councillors may use county council systems to access social media when that activity contributes to the discharge of the functions of the council or to the office to which the councillor has been appointed by the council. Examples of acceptable use from county council systems include;

- Accessing sites to monitor or determine public opinion
- Posting of non-political message, such as details of an activity undertaken as a county councillor
- Support for county council messages and campaigns on other social media channels

Councillors must not install any software required by social media channels on LCC equipment.

Advice and guidance

Councillors should be aware that, as public figures, their social media accounts may be closely monitored by members of the public.

Councillors should exercise extra care in any posts, noting that:

- Some social media sites place restrictions on the length of a post or entry, and this tends to favour simplistic statements at the expense of balanced and nuanced arguments.
- Social media is the home of "trolls" who try to provoke reactions in others. Councillors should be aware of this and not respond to provocation. In general, you can never "win" an argument on social media, so it is not usually worth trying
- 'Posts' can cause others to take offence e.g. jokes can be misunderstood, 'banter' can be perceived as bullying, irony can be misread. Offence can easily be taken, even where none is intended.
- Once posted in a public arena, your views are no longer your own, and you should be aware of the possibility of being selectively quoted, or your comments being taken out of context.
- The use of #hashtags, retweets prevent any control of what is published by others.
- Whilst part of the point of social media is to allow real time reactions and dialogue, great care should be taken in posting a hasty response to a statement or news event. Developing events may prove your initial response

to be inappropriate or incorrect, or you may in your haste not have used the most appropriate words to express your view.

- Consider writing out posts or entries in a word document, waiting, and then re-reading them before you post online.
- Use of social media may also compromise your personal and private data.

Councillors should be mindful of whether their social media profile gives the impression that they are acting in their "official capacity". Councillors should therefore;

- Set appropriate privacy settings.
- Not use their LCC email account when registering a social media account.
- Keep personal and political social media profiles separate. You may even want to consider having separate profiles for your personal life, your work as a councillor, and your political activities.
- Monitor 'posts' from others on your social media accounts, removing defamatory or obscene posts as soon as possible.
- Be mindful of publishing information that you would only have access to as a county councillor.
- Not publish anything, which might be seen to pre-determine any future decision, such as Development Control matters.
- Not request or accept LCC council employees as a "friend" on social networking sites.
- Think about what and how you 'post' on social media, would you be comfortable to make this statement in person or in writing?

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